

REMARKS

I. Status Of The Claims

Claims 1-106 are pending in this application.

Claims 1-106 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson (U.S. Application No. 2001/0018739) in view of Ginter (U.S. Patent No. 6,427,140).

Claims 1, 4, 5, 8, 10, 15, 16, 19, 20, 23, 26, and 29 are independent.

II. Rejection Under 35 U.S.C. § 103(a)

The Examiner has rejected independent claims 1, 4, 5, 8, 10, 15, 16, 19, 20, 23, 26, and 29 under 35 U.S.C. as being unpatentable over Anderson in view of Ginter.

With regard to independent claims 1, 5, 16, 20, 23, and 26, the Examiner indicates that all aspects of the claims are provided by the combination of Anderson and Ginter . However, Applicants note that Anderson and Ginter, taken individually or in combination, fail to disclose, teach, or suggest all claimed aspects.

Turning to independent claims 1 and 20, Applicants observe that Anderson and Ginter, taken individually or in combination, fail to disclose, teach, or suggest at least:

“...further placing in said container descriptive data relating to said representation of money ...”
(see claims 1 and 20; emphasis added)

Turning to independent claims 5 and 23, Applicants observe that Anderson and Ginter, taken individually or in combination, fail to disclose, teach, or suggest at least:

“... interfacing with software for producing descriptive data ...
[and] ... placing in said container descriptive data produced by said software ...”

(see claims 5 and 23; emphasis added)

Turning to independent claims 16 and 26, Applicants observe that Anderson and Ginter, taken individually or in combination, fail to disclose, teach, or suggest at least:

“... placing in said container descriptive data relating to said representation of money ... [and] ... further placing in said container a request for other descriptive data...”
(see claims 16 and 26; emphasis added)

In view of at least the foregoing, Applicants submit that independent claims 1, 5, 16, 20, 23, and 26, as well as those claims which depend therefrom, are in condition for allowance.

Responsive to the Examiner’s ascribing “the same three (3) specific limitations” to each of claims 1, 5, 16, 20, 23, 26, and 72, Applicants respectfully request that each of these claims be considered in terms of that which it states.

Further, responsive to the Examiner’s remarks regarding the preambles of independent claims 1, 5, 16, 20, 23, and 26, Applicants observe that these claims differ from one another by more than their preambles.

Applicants do not believe that the Examiner has taken any Official Notice with respect to independent claims 1, 5, 16, 20, 23, and 26, but should the Examiner be taking Official Notice, Applicants hereby seasonably traverse such Official Notice in accordance with MPEP section 2144.03, respectfully requesting that the Examiner withdraw such Official Notice or provide supporting evidence.

With regard to independent claims 8 and 10, the Examiner fails to identify in Anderson and Ginter, taken individually or in combination, disclosure, teaching, or suggestion of all claim aspects. Instead, the Examiner argues that Anderson discloses “performing a settlement using a bank payment system”, and that the differences between “the teachings of Anderson ‘739

and Ginter '140" and that which is stated by independent claims 8 and 10 "would have been an obvious matter of design choice".

Applicants respectfully remind that Examiner that in order to establish a prima facie case of obviousness:

"... the prior art reference (or references when combined)
must teach or suggest all the claim limitations."
(see MPEP section 2142)

Applicants observe that Anderson and Ginter, taken individually or in combination, fail to disclose, teach, or suggest all aspects of independent claims 8 and 10. Moreover, Applicants respectfully submit that discussion of mere "settlement using a bank payment system" is not suggestive of that which is stated by claims 8 and 10.

In view of at least the foregoing, Applicants respectfully submit that independent claims 8 and 10, as well as the claims that depend therefrom, are in condition for allowance.

Applicants do not believe that the Examiner has taken any Official Notice with respect to independent claims 8 and 10, but should the Examiner be taking Official Notice, Applicants hereby seasonably traverse such Official Notice in accordance with MPEP section 2144.03, respectfully requesting that the Examiner withdraw such Official Notice or provide supporting evidence.

With regard to the Examiner's ascribing a "general limitation" to each of claims 8-12, 49-55, 59-62, 92-96, 100, and 101, Applicants respectfully request that each of these claims be considered in terms of that which it states.

Considering the Examiner's rejection of independent claims 4, 15, 19, and 29, Applicants respectfully observe that Anderson and Ginter, taken individually or in combination, fail to disclose, teach, or suggest all claim aspects.

Turning to independent claims 4 and 19, Applicants observe that Anderson and Ginter, taken individually or in combination, fail to disclose, teach, or suggest at least:

“... said first container granting said first clearing bank permission to submit to a second party predetermined authentication data corresponding to said first party ... [and] ... said second container granting said second clearing bank permission to submit to said first party predetermined authentication data corresponding to said second party ... “
(see claims 4 and 19; emphasis added)

Turning to independent claims 15 and 29, Applicants observe that Anderson and Ginter, taken individually or in combination, fail to disclose, teach, or suggest at least:

“having a first party and a second party exchange negotiation digital rights management containers attached to electronic mail messages in order to negotiate the information each party is willing to have used for authentication purposes ... [and] ... having said first party send to the first party's clearing bank a first permission digital rights management container attached to an electronic mail message, said first permission container granting said first clearing bank permission to submit to said second party the information said first party agreed to supply in the negotiation ... “
(see claims 15 and 29; emphasis added)

In view of at least the foregoing, Applicants submit that independent claims 4, 15, 19, and 29, as well as those claims which depend therefrom, are in condition for allowance.

With regard to the Examiner's ascribing a “general limitation” to each of claims 4, 13-15, 19, 29-31, 63-68, 74, and 102-104, Applicants respectfully request that each of these claims be considered in terms of that which it states.

Further, Applicants do not believe that the Examiner has taken any Official Notice with respect to independent claims 4, 15, 19, and 29. However, should the Examiner be taking Official Notice, Applicants hereby seasonably traverse such Official Notice in accordance with MPEP section 2144.03, respectfully requesting that the Examiner withdraw such Official Notice or provide supporting evidence.

Applicants to not believe it necessary to further address the rejections of the claims as the foregoing is believed to place the claims in condition for allowance. Applicants, however, reserve the right to further address the rejections in the future should such response be deemed necessary and appropriate.

(Continued on next page)

CONCLUSION

Applicants respectfully submit that this application is in condition for allowance for which action is earnestly solicited.

If a telephone conference would facilitate prosecution of this application in any way, the Examiner is invited to contact the undersigned at the number provided.

AUTHORIZATION

The Commissioner is hereby authorized to charge any additional fees which may be required for this amendment, or credit any overpayment to Deposit Account No. 13-4500, Order No. 3892-4002. **A DUPLICATE OF THIS DOCUMENT IS ATTACHED.**

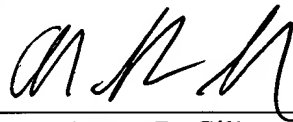
Furthermore, in the event that an extension of time is required, the Commissioner is requested to grant a petition for that extension of time which is required to make this response timely and is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to the above-noted Deposit Account and Order No.

Respectfully submitted,

MORGAN & FINNEGAN, L.L.P.

Dated: July 21, 2003

By:



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